

MONTANA LEGISLATIVE HISTORY

Chapter 633 19 85

Bill H 676 S _____ Original bill & history X c

H. Committee on NATURAL RESOURCES

Hearing Date(s) 2/11 X c

EXEC ACTION 2/22 X c

_____ c

_____ c

Date Out _____ c

S. Committee on HEALTH, SAFETY & WELFARE

Hearing Date(s) 3/22 X c

EXEC ACTION 3/25 X c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HOUSE FINAL STATUS

3/14 HEARING
DIED IN COMMITTEE

HB 670 INTRODUCED BY IVERSON
TO REQUIRE RECLAMATION OF TAILING, WASTEROCK, AND
ORE PROCESSING
BY REQUEST OF DEPARTMENT OF STATE LANDS

2/05 INTRODUCED
2/05 REFERRED TO NATURAL RESOURCES
2/06 FISCAL NOTE REQUESTED
2/12 FISCAL NOTE RECEIVED
2/20 HEARING
2/22 COMMITTEE REPORT-BILL DO PASS
2/22 STATEMENT OF INTENT ATTACHED
2/23 2ND READING PASS 92 1
2/26 3RD READING PASS 96 2

TRANSMITTED TO SENATE
3/04 REFERRED TO NATURAL RESOURCES
3/20 HEARING
3/29 COMMITTEE REPORT-BILL CONCURRED
3/30 2ND READING CONCURRED 50 0
4/01 3RD READING CONCURRED 48 0

RETURNED TO HOUSE
4/08 SIGNED BY SPEAKER
4/08 SIGNED BY PRESIDENT

4/08 TRANSMITTED TO GOVERNOR
4/12 SIGNED BY GOVERNOR
CHAPTER NUMBER 453 EFFECTIVE DATE: 10/01/85

HB 671 INTRODUCED BY SCHYE, NEUMAN, HOLLIDAY, ET AL.
ESTABLISHES AGRICULTURAL ADVOCACY PROGRAM

2/05 INTRODUCED
2/05 REFERRED TO APPROPRIATIONS
3/11 HEARING
DIED IN COMMITTEE

HB 672 INTRODUCED BY HARP, BRANDEWIE, MENAHAN
APPROPRIATING FUNDS TO SUPPORT A TOLL FREE CONSUMER
COMPLAINT HOTLINE AT PSC

2/05 INTRODUCED
2/05 REFERRED TO APPROPRIATIONS
DIED IN COMMITTEE

HB 673 INTRODUCED BY KADAS
ADVANCING TIME FOR TESTING LOCAL PETITION VALIDITY
IN COURT

2/05 INTRODUCED
2/05 REFERRED TO LOCAL GOVERNMENT
2/13 COMMITTEE REPORT-BILL PASS AS AMENDED 90 0
2/16 2ND READING PASS AS AMENDED 98 1
2/19 3RD READING PASS

TRANSMITTED TO SENATE

HOUSE FINAL STATUS

2/21 REFERRED TO LOCAL GOVERNMENT
3/19 HEARING
3/29 ON MOTION RULES SUSPENDED
PLACED ON 3RD READING 70TH DAY
3/29 COMM REPORT-BILL CONCURRED AS AMENDED
3/30 2ND READING INDEFINITELY POSTPONED 24 22

RETURNED TO HOUSE
3/30 RECONSIDERATION

RETURNED TO SENATE
4/01 2ND READING CONCURRED AS AMENDED 50 0
4/01 3RD READING CONCURRED 43 7

RETURNED TO HOUSE WITH AMENDMENTS
4/08 2ND READING AMENDMENTS CONCURRED 92 2
4/08 ON MOTION RULES SUSPENDED
PLACED ON 3RD READING THIS DAY
4/08 3RD READING AMENDMENTS CONCURRED 96 2
4/15 SIGNED BY SPEAKER
4/15 SIGNED BY PRESIDENT

4/15 TRANSMITTED TO GOVERNOR
4/19 SIGNED BY GOVERNOR
CHAPTER NUMBER 567 EFFECTIVE DATE: 10/01/85

HB 674 INTRODUCED BY NATHE, THOMAS, SWIFT, ET AL.
HIGHWAY SIGNS TO IDENTIFY MOUNTAIN RANGES,
GEOGRAPHIC FEATURES

2/05 INTRODUCED
2/05 REFERRED TO HIGHWAYS & TRANSPORTATION
2/15 FISCAL NOTE REQUESTED
2/16 HEARING
2/16 FISCAL NOTE RECEIVED
DIED IN COMMITTEE

HB 675 INTRODUCED BY KRUEGER, PECK, ET AL.
COMMEMORATIVE CENTENNIAL LICENSE PLATES

2/05 INTRODUCED
2/05 REFERRED TO STATE ADMINISTRATION
2/06 FISCAL NOTE REQUESTED
2/12 FISCAL NOTE RECEIVED
2/15 HEARING
2/16 COMMITTEE REPORT-BILL PASS AS AMENDED 99 0
2/18 2ND READING PASS 99 0
2/20 3RD READING PASS

TRANSMITTED TO SENATE
2/22 REFERRED TO HIGHWAYS & TRANSPORTATION
3/28 HEARING
3/29 Tabled IN COMMITTEE

HB 676 INTRODUCED BY DONALDSON, MILES, REAM
REGULATION OF UNDERGROUND STORAGE TANKS
BY REQUEST OF DEPARTMENT OF HEALTH

2/05 INTRODUCED
2/05 REFERRED TO NATURAL RESOURCES

HOUSE FINAL STATUS

2/06 FISCAL NOTE REQUESTED
 2/11 HEARING
 2/13 FISCAL NOTE RECEIVED
 2/25 COMMITTEE REPORT-BILL PASS AS AMENDED
 2/25 STATEMENT OF INTENT ATTACHED
 2/27 2ND READING PASS 78 21
 2/27 ON MOTION RULES SUSPENDED
 PLACED ON 3RD READING THIS DAY
 2/27 3RD READING PASS 79 20

TRANSMITTED TO SENATE
 3/05 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
 3/22 HEARING
 3/25 COMM REPORT-BILL CONCURRED AS AMENDED
 3/28 2ND READING CONCURRED 23 22
 3/30 ON MOTION TAKEN FROM 3RD READING
 3/30 REREFERRED TO FINANCE & CLAIMS
 4/04 HEARING
 4/05 COMMITTEE REPORT-BILL CONCURRED
 4/09 2ND READING CONCURRED 32 16
 4/11 3RD READING CONCURRED 35 15

RETURNED TO HOUSE WITH AMENDMENTS
 4/15 2ND READING AMENDMENTS CONCURRED 92 3
 4/16 3RD READING AMENDMENTS CONCURRED 86 6
 4/18 SIGNED BY SPEAKER
 4/18 SIGNED BY PRESIDENT

4/22 TRANSMITTED TO GOVERNOR
 4/25 SIGNED BY GOVERNOR
 CHAPTER NUMBER 633 EFFECTIVE DATE: 4/25/85

HB 677 INTRODUCED BY WINSLOW, SCHULTZ, ET AL.
 EXTENDS 50 CENTS PER GALLON INCENTIVE FOR DISTILLED
 ALCOHOL USED FOR GASOLIN

2/05 INTRODUCED
 2/05 REFERRED TO TAXATION
 2/11 HEARING
 DIED IN COMMITTEE

HB 678 INTRODUCED BY NISBET, MCCORMICK
 ADOPTING MOUNTAIN STANDARD TIME ON YEAR-ROUND BASIS

2/05 INTRODUCED
 2/05 REFERRED TO STATE ADMINISTRATION
 2/15 HEARING
 DIED IN COMMITTEE

HB 679 INTRODUCED BY D. BROWN, IVERSON
 LOCAL APPROVAL TAX INCENTIVE FOR NEW OIL PRODUCTION

2/05 INTRODUCED
 2/05 REFERRED TO TAXATION
 2/06 FISCAL NOTE REQUESTED
 2/11 FISCAL NOTE RECEIVED
 2/12 HEARING
 DIED IN COMMITTEE

HB 680 INTRODUCED BY IVERSON, BLAYLOCK, HARP, ET AL.

HOUSE FINAL STATUS

WATER POLICY REVISIONS
 BY REQUEST OF SELECT COMMITTEE ON WATER MARKETING

2/05 INTRODUCED
 2/05 REFERRED TO NATURAL RESOURCES
 2/18 HEARING
 2/21 COMMITTEE REPORT-BILL PASS AS AMENDED
 2/23 2ND READING PASS 87 8
 2/26 3RD READING PASS 83 15

TRANSMITTED TO SENATE
 3/04 REFERRED TO NATURAL RESOURCES
 3/13 HEARING
 3/16 FISCAL NOTE REQUESTED
 3/20 FISCAL NOTE RECEIVED
 3/21 COMM REPORT-BILL CONCURRED AS AMENDED
 3/21 STATEMENT OF INTENT ATTACHED
 3/26 2ND READING CONCURRED AS AMENDED 44 6
 3/28 3RD READING CONCURRED 45 5

RETURNED TO HOUSE WITH AMENDMENTS
 4/09 2ND READING AMENDMENTS CONCURRED 77 19
 4/09 ON MOTION RULES SUSPENDED
 PLACED ON 3RD READING THIS DAY
 4/09 3RD READING AMENDMENTS CONCURRED 79 18
 4/15 SIGNED BY SPEAKER
 4/15 SIGNED BY PRESIDENT

4/15 TRANSMITTED TO GOVERNOR
 4/19 SIGNED BY GOVERNOR
 CHAPTER NUMBER 573 EFFECTIVE DATE: 7/01/85

HB 681 INTRODUCED BY J. BROWN, BRADLEY
 ALLOW RELEASE OF CONFIDENTIAL HEALTH INFORMATION TO
 MEDIA & LAW ENFORCEMENT

2/05 INTRODUCED
 2/05 REFERRED TO JUDICIARY
 2/07 HEARING
 2/08 COMMITTEE REPORT-BILL PASS AS AMENDED
 2/12 2ND READING PASS AS AMENDED 65 34
 2/14 3RD READING PASS 67 29

TRANSMITTED TO SENATE
 2/15 REFERRED TO JUDICIARY
 3/15 HEARING
 3/19 COMM REPORT-BILL CONCURRED AS AMENDED
 3/22 2ND READING CONCURRED 48 0
 3/25 3RD READING CONCURRED 42 6

RETURNED TO HOUSE WITH AMENDMENTS
 4/09 2ND READING AMENDMENTS NOT CONCURRED 96 0
 4/12 CONFERENCE COMMITTEE APPOINTED
 4/20 CONFERENCE COMMITTEE DISSOLVED
 4/20 FREE CONFERENCE COMMITTEE APPOINTED
 4/22 FREE CONFERENCE COMMITTEE REPORT

HOUSE
 4/23 2ND READING FREE CONFERENCE COMMITTEE
 REPORT ADOPTED 85 13

HOUSE BILL NO. 676

INTRODUCED BY DONALDSON, MILES, REAM

BY REQUEST OF THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES

IN THE HOUSE

February 5, 1985	Introduced and referred to Committee on Natural Resources.
February 6, 1985	Fiscal Note requested.
February 12, 1985	Fiscal Note returned.
February 25, 1985	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
	Bill printed and placed on members' desks.
February 27, 1985	Second reading, do pass.
	On motion, rules suspended and bill placed on third reading this day.
	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

March 5, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 25, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 28, 1985	Second reading, concurred in.

March 30, 1985

On motion, taken from third reading and rereferred to Committee on Finance and Claims. Motion adopted.

April 5, 1985

Committee recommend bill be concurred in. Report adopted.

April 9, 1985

Second reading, concurred in.

April 11, 1985

Third reading, concurred in. Ayes, 35; Noes, 15.

Returned to House with amendments.

IN THE HOUSE

April 12, 1985

Received from Senate.

April 13, 1985

Second reading, pass consideration.

April 15, 1985

Second reading, amendments concurred in.

April 16, 1985

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 676

1 HOUSE BILL NO. 676
2 INTRODUCED BY Sen. H. Hill Ream
3 BY REQUEST OF THE DEPARTMENT OF HEALTH
4 AND ENVIRONMENTAL SCIENCES
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA
7 HAZARDOUS WASTE ACT TO ALLOW THE DEPARTMENT OF HEALTH AND
8 ENVIRONMENTAL SCIENCES TO ADOPT RULES SETTING REQUIREMENTS
9 FOR UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM OR OTHER
10 HAZARDOUS SUBSTANCES; REQUIRING TANK OWNERS OR OPERATORS TO
11 REPORT LEAKS; AMENDING SECTIONS 75-10-403, 75-10-405, AND
12 75-10-409, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15 Section 1. Section 75-10-403, MCA, is amended to read:
16 "75-10-403. Definitions. Unless the context requires
17 otherwise, in this part the following definitions apply:
18 (1) "Board" means the board of health and
19 environmental sciences provided for in 2-15-2104.
20 (2) "Department" means the department of health and
21 environmental sciences provided for in Title 2, chapter 15,
22 part 21.
23 (3) "Dispose" or "disposal" means the discharge,
24 injection, deposit, dumping, spilling, leaking, or placing
25 of any hazardous waste into or onto the land or water so

1 that the hazardous waste or any constituent of it may enter
2 the environment or be emitted into the air or discharged
3 into any waters, including groundwaters.
4 (4) "Facility" or "hazardous waste management
5 facility" means all contiguous land and structures, other
6 appurtenances, and improvements on the land used for
7 treating, storing, or disposing of hazardous waste. A
8 facility may consist of several treatment, storage, or
9 disposal operational units.
10 (5) "Generation" means the act or process of producing
11 waste material.
12 (6) "Generator" means any person, by site, whose act
13 or process produces hazardous waste or whose act first
14 causes a hazardous waste to become subject to regulation
15 under this part.
16 (7) (a) "Hazardous waste" means a waste or combination
17 of wastes that, because of its quantity, concentration, or
18 physical, chemical, or infectious characteristics, may:
19 (i) cause or significantly contribute to an increase
20 in mortality or an increase in serious irreversible or
21 incapacitating reversible illness; or
22 (ii) pose a substantial present or potential hazard to
23 human health or the environment when improperly treated,
24 stored, transported, or disposed of or otherwise managed.
25 (b) Hazardous wastes do not include those substances

governed by Title 82, chapter 4, part 2.

(8) "Hazardous waste management" means the management of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes.

(9) "Manifest" means the shipping document originated and signed by the generator and which is used to identify the hazardous waste, its quantity, origin, and destination during its transportation.

(10) "Person" means the United States, an individual, firm, trust, estate, partnership, company, association, corporation, city, town, local governmental entity, or any other governmental or private entity, whether organized for profit or not.

(11) "Regulated substance":

(a) means:

(i) a hazardous substance as defined in 75-10-602; or
(ii) petroleum, including crude oil or any fraction thereof, which is liquid at standard conditions of temperature and pressure (60 degrees F and 14.7 pounds per square inch absolute);

(b) does not include a substance regulated as a hazardous waste under this part.

~~(11)~~(12) "Storage" means the actual or intended containment of wastes, either on a temporary basis or for a

period of years.

~~(12)~~(13) "Transportation" means the movement of hazardous wastes from the point of generation to any intermediate points and finally to the point of ultimate storage or disposal.

~~(13)~~(14) "Transporter" means a person engaged in the offsite transportation of hazardous waste by air, rail, highway, or water.

~~(14)~~(15) "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste or so as to render it nonhazardous, safer for transportation, amenable for recovery, amenable for storage, or reduced in volume.

(16) "Underground storage tank":

(a) means any one or combination of tanks (including connected underground pipes) used to contain a regulated substance, the volume of which (including the volume of the connected underground pipes) is 10% or more beneath the surface of the ground.

(b) does not include:

(i) a septic tank;

(ii) a pipeline facility (including gathering lines) regulated under:

1 (A) the Natural Gas Pipeline Safety Act of 1968 (49
 2 U.S.C. 1671, et seq.);

3 (B) the Hazardous Liquid Pipeline Safety Act of 1979
 4 (49 U.S.C. 2001, et seq.); or

5 (C) state law comparable to the provisions of law
 6 referred to in subsection (16)(b)(ii)(A) or (16)(b)(ii)(B),
 7 if the facility is intrastate;

8 (iii) a surface impoundment, pit, pond, or lagoon;

9 (iv) a storm water or wastewater collection system;

10 (v) a flow-through process tank;

11 (vi) a liquid trap or associated gathering lines
 12 directly related to oil or gas production and gathering
 13 operations;

14 (vii) a storage tank situated in an underground area,
 15 such as a basement, cellar, mine, draft, shaft, or tunnel,
 16 if the storage tank is situated upon or above the surface of
 17 the floor; or

18 (viii) any pipe connected to a tank described in
 19 subsections (16)(b)(i) through (16)(b)(vii)."

20 Section 2. Section 75-10-405, MCA, is amended to read:

21 "75-10-405. Administrative rules. (1) The department
 22 may adopt, amend, or repeal rules governing hazardous waste,
 23 including but not limited to the following:

24 (1)(a) identification and classification of those
 25 hazardous wastes subject to regulation and those that are

1 not;

2 (2)(b) requirements for the proper treatment, storage,
 3 transportation, and disposal of hazardous waste;

4 (3)(c) requirements for siting, design, operation,
 5 maintenance, monitoring, inspection, closure, postclosure,
 6 and reclamation of hazardous waste management facilities;

7 (4)(d) requirements for the issuance, denial, renewal,
 8 modification, and revocation of permits for hazardous waste
 9 management facilities;

10 (5)(e) requirements for manifests and the manifest
 11 system for tracking hazardous waste and for reporting and
 12 recordkeeping by generators, transporters, and owners and
 13 operators of hazardous waste management facilities;

14 (6)(f) requirements for training of facility personnel
 15 and for financial assurance of facility owners and
 16 operators;

17 (7)(g) requirements for registration of generators and
 18 transporters;

19 (8)(h) a schedule of fees for hazardous waste
 20 management facility permits and registration of hazardous
 21 waste generators; and

22 (9)(i) other rules which are necessary to obtain and
 23 maintain authorization under the federal program, except
 24 that the

25 (2) The department may not adopt rules under this part

that are more restrictive than those promulgated by the federal government under the Resource Conservation and Recovery Act of 1976, as amended, except that the department may adopt requirements for the prevention of leakage from underground storage tanks, including:

(a) reporting by owners and operators;

(b) financial responsibility;

(c) release detection, prevention, and correction; and

(d) standards for design, construction, and installation."

Section 3. Section 75-10-409, MCA, is amended to read:

"75-10-409. Compliance monitoring and reporting -- underground storage tank leak report. (1) The department may, as a condition of a permit, require the owner or operator of a facility to install equipment, collect and analyze samples, and maintain records in order to monitor and demonstrate compliance with this part, rules adopted under this part, any order of the board or department, and permit conditions.

(2) The department may require the owner or operator of a facility to submit reports on such compliance monitoring activities, including notice to the department of any noncompliance with permit conditions, rules adopted under this part, the provisions of this part, or any orders of the department or board.

(3) If an owner or operator of an underground storage tank discovers or is provided with evidence that the tank may have leaked, he must immediately notify the department that a leak may exist."

NEW SECTION. Section 4. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this act.

NEW SECTION. Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 6. Extension of authority. Any existing authority of the department of health and environmental sciences to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 7. Effective date. This act is effective on passage and approval.

-End-

FISCAL NOTE

Form BD-15

In compliance with a written request received February 6, 19 85, there is hereby submitted a Fiscal Note for House Bill 676 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 676 allows the Department of Health and Environmental Sciences to adopt rules setting requirements for underground storage tanks.

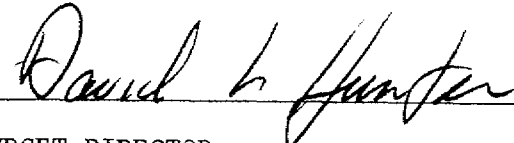
ASSUMPTION:

1. 10,000 underground tanks.
2. First year devoted to program development, rule adoption, notification and education. Second year field investigations and enforcement activity.
3. If federal fund became available, the agency will revert non-matching general funds.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY 86</u>	<u>FY 87</u>
FTE	2.00	3.00
Personal Services	\$ 42,199	\$ 67,398
Operating Expenses	22,791	72,038
Equipment	2,016	5,809
Total	\$ 67,006	\$145,245

<u>Funding:</u>		
General Fund	\$ 16,752	\$ 36,311
Federal Fund	50,254	108,934


BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 12, 1985
HB 676

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 11, 1985

The meeting of the Natural Resources Committee was called to order at 3:40 p.m. in Room 312-1 of the Capitol Building by Chairman Dennis Iverson.

ROLL CALL: All members were present except for representatives Driscoll and Cobb, who were excused.

HOUSE BILL 676: House Bill 676 was introduced in committee by the sponsor, Rep. Gene Donaldson, District 43. He said he sponsored the legislation at the request of the department of health and environmental sciences. The bill would amend the Montana Hazardous Waste Act to allow the department to adopt rules setting requirements for underground storage tanks containing petroleum or other hazardous substances, and require tank operators to report leaks in those tanks. Rep. Donaldson said he was particularly anxious to introduce and support this bill after his district suffered serious groundwater pollution from an unknown source last year. He said that more than 40 leaks from underground storage tanks were discovered in Montana last year.

Vic Anderson, of the DHES solid waste management division, spoke in support of HB 676. He provided an information sheet to the committee, a copy of which is attached hereto as Exhibit 1. He outlined the need for storage tank regulation, and explained the necessary steps involved. He noted that hazardous waste is exempted under HB 676 because treatment and storage of such waste is regulated by the Montana Hazardous Waste Act.

Will Selser, representing the Lewis and Clark County Health Department, spoke in favor of the bill. He said the payback for such legislation is substantial, because it could prevent enormous clean-up expense and damage to public health in the future. He noted a growing national concern about toxic materials in the water supply, and praised this effort to allay that problem.

George Ochenski, of the Environmental Information Center, said that group supports HB 676 as "preventive medicine" against groundwater contamination.

Russ Brown, representing the Northern Plains Resource Council, said that group supports HB 676, but he was uncertain whether the regulations set forth in the bill would apply to

underground delivery systems attached to surface storage systems. If these delivery systems are not covered in the bill, he suggested that the committee consider amending the bill to make certain they are covered by the regulations.

No opponents spoke against HB 676, and the floor was opened to questions from committee.

Rep. Krueger asked Mr. Anderson to elaborate on the issue of the department's authority to adopt rules regulating "financial responsibility," as noted on page 7, line 7, of the bill. Mr. Anderson said the subsection would give the department the rule-making authority to require that an entity holding an underground storage tank must demonstrate the ability to cover the cost of clean-up, should a leak take place.

Rep. O'Hara asked Mr. Anderson if he thought the intent of HB 676 was also to cover possible leaks from underground piping to above-ground storage tanks, as questioned by Mr. Brown. Mr. Anderson said that specific language to that effect was not included in this bill because the bill was drafted to mirror federal legislation on tank leakage, and because the federal regulations do not contain such provisions, the proposed HB 676 does not contain them.

Rep. Ream asked Mr. Brown if he was referring to structures that were specifically excluded on pages 4 and 5 of the bill. Mr. Brown said his concern is not with those structures, which are adequately regulated under other statutes, but is with underground delivery systems to above-ground tanks.

Rep. Donaldson closed by saying that DHES has proposed funding for this legislation from a source other than the general fund, and that a fiscal note would be provided as soon as possible.

Hearing was closed on HB 676.

HOUSE BILL 695: Rep. Tom Asay, District 27, introduced HB 695, which he sponsored. He said the proposed bill would amend the reclamation act with regard to county-operated gravel pits.

John Bilbro, superintendent of roads for Rosebud County, spoke in favor of HB 695. He said the legislation would save counties and the state a considerable amount of money by eliminating unnecessary regulation. He said that because counties were different from private contractors, they should not be required to meet the same standards in creating and operating a gravel pit. Counties, he said, were not going

DAILY ROLL CALL

HOUSE NATURAL RESOURCES

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date February 11, 1985

NAME	PRESENT	ABSENT	EXCUSED
IVERSON, Dennis (Chairman)	X		
KADAS, Mike (Vice-Chairman)	X		
ADDY, Kelly	X		
ASAY, Tom	X		
COBB, John			X
DRISCOLL, Jerry			X
GARCIA, Rodney	X		
GRADY, Edward	X		
HARP, John	X		
JONES, Tom	X		
KRUEGER, Kurt	X		
MILES, Joan	X		
MOORE, Janet	X		
O'HARA, Jesse	X		
PETERSON, Mary Lou	X		
RANEY, Bob	X		
REAM, Bob	X		
SMITH, Clyde	X		

OUTLINE REGULATION OF UNDERGROUND STORAGE TANKS

- * Leaking underground fuel storage tanks have affected near—surface aquifers in virtually every corner of Montana**
- * Over forty petroleum and chemical—related groundwater contamination problems have been reported in the past two years**
- * Generally, when a toxic product is introduced into an aquifer, the Water Supply is irreversibly contaminated.**
- * Clean up is expensive, difficult and at best, about 70 percent efficient.**
- * Multiple sources of toxic products within a contaminated area and the time lag before detecting a leak makes it difficult, expensive and time consuming to segregate and identify a responsible party.**

Continued:

- * The U.S. Congress has established provisions for the regulation of under ground storage tanks nationwide**
- * Interim standards, in place, and final standards to be developed, are designed to prevent the release of products from underground tank**
- * Federal law allows the states to maintain program to regulate underground storage tanks in lieu of EPA**
- * Potentially thousands of Montana serviceš, smaller industries and businesses may be involved with this program**
- * DHES is best suited to manage such a program:**
 - it is continually investigating and conducting remedial action of contaminated groundwater resulting from leaking tanks**
 - it already has a working relationship with many of the businesses and industries to be affected**
 - with changes in hazardous waste regulations, it will eliminate unnecessary duplication**

TECHNICAL INFORMATION FOR HB 676

Presently, the Montana Department of Health & Environmental Sciences-Water Quality Bureau is aware of more than 40 situations in Montana in which a shallow groundwater aquifer has been contaminated with various petroleum products. In each case, the suspected or confirmed route of contamination is leakage from or spillage near underground storage tanks. Generally the result is to virtually eliminate the aquifer for use as a domestic water supply and, in addition, to imperil deeper aquifers in that location. In 10-20% of the situations, an additional severe public hazard results from the seeping of the fuel contaminant into enclosed areas such as basements, manholes, etc., where fire or explosion can occur.

For reference, the following typical situation descriptions are provided:

- a. In Dillon, MT, fuel fumes began appearing in a commercial building near several businesses utilizing underground tanks for storage of fuel. Eventually more than a dozen domestic wells serving homes and businesses in the vicinity of Montana Avenue and Highway 41 in Dillon were found to be severely contaminated and the area of contamination continues to grow. At least five suspected sources are now being investigated,
- b. In Miles City, MT, diesel fuel was detected in shallow wells providing irrigation water to residents near the Chicago, Milwaukee, St. Paul & Pacific Railroad Company yard. An enormous clean up effort was begun in 1980 and continues presently. Approximately 420,000 gallons of fuel have been recovered to date. The ground-water resource is certainly eliminated for domestic use for at least five more years. The fuel was lost from leaking buried delivery lines, tanks, and from transfer accidents,

- c. During a sewer construction project in Lincoln, MT, fuel was discovered seeping into the trenches in the immediate area of three present retail fuel businesses which utilize buried storage tanks. Subsequent investigations discovered a large area of groundwater contamination in this community which relies exclusively on individual shallow aquifer wells for domestic water supply. To date, no well has experienced contamination, however, the presence of the fuel floating on the shallow aquifer represents a constant threat to the present user, future users, and the deeper aquifers,
- d. In Polson, MT, heating oil leaking from a buried tank was collected in groundwater building foundation drains and transported via the sewer system to the city wastewater treatment facility resulting in damage to the facility and discharge to the Flathead River.

In each case, the results of the undetected leak from an underground facility include: long term damage to the groundwater resource, the need for expensive mechanical corrective measures, and the requirement for implementation of long term, expensive groundwater clean up measures.

2-11-85 SLP/KDK

AREAS WITH CROUNDWATER CONTAMINATION
BECAUSE OF LEAKING UNDERGROUND TANKS
January 9, 1985

<u>City</u>	<u>Contaminant</u>
1. Bozeman	Gasoline
2. Sheridan	Gasoline
3. Darby (2)	Diesel & Gasoline
4. Dillon	Gasoline
5. Miles City	Diesel
6. Augusta	Fuel oil
7. White Sulphur Springs	Gasoline
9. St. Mary	Gasoline
10. Heart Butte	Gasoline
11. Kalispell	Gasoline
12. Polson (2)	Gasoline & #5 Green Diesel
13. Lewiston	Gasoline
14. Billings	Diesel
15. Helena (3)	Diesel & Gasoline
16. Unionville	Fuel Oil
17. Livingston	Gasoline
18. Laurel	Gasoline
19. Plentywood	Diesel
20. Cut Bank	Diesel
21. Butte	Pentachlorophenol
22. Lincoln (2)	Gasoline & Waste Oil
23. Missoula	Gasoline
24. Reed Point	Solvent
25. Big Fork	#5 Green Diesel
26. Wisdom	Gasoline
27. Polson	Gasoline
28. Garrison	Gasoline
29. Havre	Diesel
30. Lolo Hot Springs	Gasoline
31. Missoula (2)	Diesel & Gasoline
32. Butte	Creosote
33. Bozeman	Creosote
34. Bonner (Blackfoot)	Diesel
35. Judith Gap	Gasoline
36. Shelby	Diesel
37. Babb	Aircraft Fuel
38. Bozeman	Solvent/urban runoff
39. Columbia Falls	Gasoline

Underground Storage Tank Regulations Must Include:

- Release detection, prevention, and correction regulations
 1. leak detection systems
 2. recordkeeping requirements
 3. reporting requirements
 4. corrective action requirements
 5. proper closure
- Financial responsibility for:
 1. corrective actions
 2. compensating third parties for sudden and non-sudden accidental releases
- Ability to take actions against guarantors
- Performance standards for new tanks
 1. design
 2. construction
 3. installation
 4. release detection
 5. compatability

VISITOR'S REGISTER

HOUSE NATURAL RESOURCES COMMITTEE

BILL HB 676

DATE 2/11/85

SPONSOR REP. GENE DONALDSON

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE BILL 676: Rep. Kadas moved DO PASS on HB 676, and Rep. Ream moved the amendments prepared by the sponsor (Gene Donaldson) to allow for funding through the junk vehicle statute. Rep. Miles commented that the junk vehicle fund is an appropriate source from which to obtain money for the program set up under HB 676.

Rep. Raney noted that during the hearing on HB 676, the committee discussed whether the bill should be amended to include underground pipelines attached to above-ground storage systems. He suggested that the bill be held until the EQC staff could prepare such an amendment. Rep. Kadas agreed, and withdrew his DO PASS motion.

HOUSE BILL 396: Rep. Ream moved DO PASS on HB 396, and that motion was unanimously approved. Rep. Ream then moved the statement of intent, which was also approved unanimously.

HOUSE BILL 493: A sheet of amendments proposed by Rep. Ramirez, sponsor of HB 493, designed to avoid a possible arbitrage problem noted at the hearing, was distributed. Arbitrage occurs when an entity purchases bonds in one market, and simultaneously invests those at a higher rate in a different market, in order to obtain a profit on the price difference. When a tax-exempt entity commits arbitrage, that tax-exempt status is lost. Rep. Addy noted that the amendments proposed to alleviate this bonding problem called for a majority vote by the legislature. He said that because the purchase of bonds by the state is a constitutional issue, the amendments should require a 2/3 vote of both houses of the legislature. He moved passage of the suggested amendments to HB 493, with the change from a majority vote to a 2/3 vote.

Rep. Raney called attention to the provision that infrastructure money be applied to "other public improvements and undertakings" and questioned whether the legislature should grant that authority to use those funds for unspecified projects.

Rep. Kadas said he too was concerned about "undertakings," adding that the phrase could mean that the infrastructure funds would be applied to the general fund budget.

On a voice vote, the committee adopted the amendments to the bill, with Reps. Moore and Peterson voting no.

Rep. Addy moved DO PASS AS AMENDED On HB 493.

Rep. Miles said she had a problem with the structure of all three bills (493, 494 & 495). The bills, she said, contain no provision for equity, and no guarantee of how funds will be used. "We're kidding ourselves to think local governments are getting the money," she said.

DAILY ROLL CALL

HOUSE NATURAL RESOURCES

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date *February 22, 1985*

NAME	PRESENT	ABSENT	EXCUSED
IVERSON, Dennis (Chairman)	X		
KADAS, Mike (Vice-Chairman)	X		
ADDY, Kelly	X		
ASAY, Tom	X		
COBB, John	X		
DRISCOLL, Jerry	X		
GARCIA, Rodney	X		
GRADY, Edward	X		
HARP, John	X		
JONES, Tom	X		
KRUEGER, Kurt	X		
MILES, Joan	X		
MOORE, Janet	X		
O'HARA, Jesse	X		
PETERSON, Mary Lou	X		
RANEY, Bob	X		
REAM, Bob	X		
SMITH, Clyde	X		

February 23

85

19.....

Speaker:

MR.

Natural Resources

We, your committee on

House

having had under consideration Bill No. 576

First

white

..... reading copy (.....)

color

REGULATION OF UNDERGROUND STORAGE TANKS

Respectfully report as follows: That House Bill No. 576

BE AMENDED AS FOLLOWS:

1. Title, line 11.

Striker: "AND"

2. Title, line 12.

Following: ", "

Insert: "AND 75-10-932."

3. Page 4, line 17.

Following: "means"

Insert: ", except as provided in subsections (16)(b)(i) through (16)(b)(viii): (i)"

4. Page 4, line 21.

Following: "ground"

Insert: "; and (ii) any underground pipes used to contain or transport a regulated substance and connected to a storage tank, whether the

~~DO PASS~~

CONTINUED

February 23

1985

storage tank is entirely above ground, partially above ground, or entirely underground"

5. Page 8.

Following: line 4

Insert: "Section 4. Section 75-10-532, MCA, is amended to read:

"75-10-532. Disposition of moneys collected. All moneys received from the sale of the junk vehicles or from recycling of the material and all motor vehicle wrecking facility license fees and fees collected as motor vehicle disposal fees shall be deposited with the state treasurer to be utilized for:

(1) the control, collection, recycling, and disposal of junk vehicles and component parts; and

(2) implementation by the department of health and environmental sciences during the 1987 biennium of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in accordance with 75-10-601 through 75-10-604, and the Montana Hazardous Waste Act in accordance with 75-10-401 through 75-10-421, up to an amount not exceeding \$58,690; and

~~(2)~~ (3) implementation by the department of health and environmental sciences during the 1985 biennium of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in accordance with Title 75, chapter 10, part 6, up to an amount not exceeding \$220,000."

Renumber: subsequent sections.

hb676.txt

pc2/kjp

AND AS AMENDED,

DO PASS

STATEMENT OF INTENT ATTACHED

February 23

19 85

STATEMENT OF INTENT
HOUSE BILL 676

A statement of intent is required for this bill because it delegates rulemaking authority to the department of health and environmental sciences (DHES). House Bill 676 adds petroleum products and certain hazardous substances stored in underground tanks as a new category of materials which may be regulated under the Montana Hazardous Waste Act (MHWA).

The DHES has been increasingly involved in the cleanup of ground water problems caused by leaking underground tanks. At the national level, congress amended the federal Resource Conservation and Recovery Act of 1976 (RCRA) in November 1984 to include regulation of underground storage tanks and required the environmental protection agency (EPA) to develop a regulatory program for tanks. Since the DHES now administers the existing RCRA program in Montana, it is likely that the state (through DHES) will want to assume the RCRA program for underground tanks as well. Moreover, in the event that the EPA does not adopt a program adequate for Montana or fails to develop a program in a timely fashion, the DHES should have the authority to establish the state's own program to meet the needs of Montana. House Bill 676 will grant the DHES the authority to assume the EPA tank program to be developed under RCRA or to establish a state program independent of RCRA.

Whether DHES follows the federal RCRA program or develops its own state program, it is the intent of the legislature that administrative rules that DHES may adopt for underground storage tanks need not be equivalent to the comparable federal regulations to be developed by the EPA under RCRA. Rather, in view of the growing number and severity of environmental problems related to underground storage tanks in Montana, the legislature intends to grant DHES the authority to establish a regulatory program for underground tanks whether or not it may include elements more stringent than any federal requirements and whether or not the EPA has established a tank program under RCRA.

The legislature intends that the rules developed by DHES include requirements for:

- (1) the design, construction, and installation of underground tanks in a manner that will prevent tank leakage;
- (2) reporting by tank owners and operators;
- (3) leak prevention and detection;
- (4) corrective actions by tank owners and operators if tank leakage does occur; and
- (5) financial responsibility of tank owners and operators for corrective action and compensation to third parties for damages resulting from release of regulated substances from underground tanks.

SENATE PUBLIC HEALTH
PAGE FIVE
MARCH 22, 1985

CONSIDERATION OF HOUSE BILL 676: Representative Gene Donaldson of Helena, the chief sponsor of House Bill 676, gave a brief resume of the bill. This bill is an act to amend the Montana Hazardous Waste Act to allow the Department of Health and Environmental Sciences to adopt rules setting requirements for underground storage tanks containing petroleum or other hazardous substances; requiring tank owners or operators to report leaks and providing an immediate effective date.

This bill was requested by the Department of Health and Environmental Sciences.

Vic Anderson, representing the Department of Health and Environmental Sciences, stood in support of the bill. He stated that leaking underground fuel storage tanks have affected near surface aquifers in virtually every corner of Montana. Over forty petroleum and chemical related groundwater contamination problems have been reported in the past two years. Generally, when a toxic product is introduced into an aquifer, the water supply is irreversibly contaminated. Clean up is expensive and difficult and only 70 percent efficient. Mr. Anderson handed in written testimony with some charts to the Committee for their further consideration. See attachments.

Linda Stoll-Anderson, a County Commissioner from Lewis and Clark County, stood in support of the bill. This is a much needed first step toward controlling the contamination of our groundwater drinking supplies from petroleum and other hazardous waste substances. The town of Lincoln is currently being subjected to pollution from petroleum products which have leaked from underground storage tanks. The State Health Department has not been able to effect a resolution to this problem. In large part because of lack of resources and lack of specific rule making authority to deal with leaking underground storage tanks. The commissioners also support the wording in HB 676 which includes all underground storage tanks within the bounds of their requirements. They feel that because of the serious nature of this problem and the potential for disrupting large numbers of people and their drinking water supplies that no one should be exempted from these requirements. It is the only fair and equitable way to deal with this problem.

Eugene Reagan, Beaverhead County Sanitarian, stood in support of the bill. He stated that there are 50 acres which are affected by one leaking underground tank.

SENATE PUBLIC HEALTH
PAGE SIX
MARCH 22, 1985

Bob Kelly, state fire marshall, stood in support of the bill. He stated that the fire services usually become involved after the fact. There is no conflict between him and the Department of Health regarding this matter, he feels that it is a good bill.

Mike Stephens representing himself as a landowner in the Helena Valley, stood in support of the bill. He lives $\frac{1}{4}$ mile from a contaminated area. It is still contaminated by an unknown source which cannot be detected. The land values go down when this happens. He suggested that this bill should include all underground tanks.

Russ Brown, representing the Northern Plains Resource Council, stood in support of the bill. He handed in written testimony to the Committee for their further consideration. See attachments.

Ray Blehm, representing the Montana Fire District Association, stood in support of the bill. He stated that it is a real detective chore to find the problems.

George Ochenski, representing the Environmental Information Center, stood in support of the bill. He handed out three pages of information which was broken down by individual counties. See attachments.

Edward G. Zuleger, representing the Missoula City-County Health Department, stood in support of the bill. He stated that this is a good bill and one that is much needed.

With no further proponents, the chairman called on the opponents.

Tom Harrison, representing Montana Auto Dealer Association, stood as neutral on the bill. He stated that his association would like to see the bill amended on page 9, line 19, Section 5.

With no further opponents, the chairman opened the meeting to a question and answer period from the Committee.

Senator Stephens stated that he felt that perhaps a bill should be introduced next session which would require all tanks to be above ground.

Senator Himsl asked Frank Crowley, legal division of the Montana Department of Health, how many tanks are placed underground at the present time.

SENATE PUBLIC HEALTH
PAGE SEVEN
MARCH 22, 1985

Senator Hims1 also asked Frank Crowley what the requirements will be on people with underground tanks. Mr. Crowley stated that he could not answer that question at this time, that he did not have the answer.

Senator Towe addressed Section 5, the savings clause. He stated that this is not a grandfather clause.

Senator Hims1 asked if service station operators were going to have to keep records regarding the input and outgo of their underground tanks. No one could answer his question.

CONSIDERATION OF HOUSE BILL 766: Representative Bob Ream of Missoula, the chief sponsor of House Bill 766, gave a brief resume of the bill. The bill was requested at the request of the governor. House Bill 766 is an act authorizing the Department of Health and Environmental Sciences to take remedial action to prevent or alleviate release of hazardous or deleterious substances into the environment; establishing a special fund for remedial action; providing for the funding of the special fund and providing effective dates.

This bill is referred to the "mini superfund". The governor placed this on his priority list of things to be done this session.

Brace Hayden, representing the governor's office, stood in support of the bill. He stated that the bill was requested by the governor in recognition of a significant increase in hazardous waste site problems in Montana. The bill provides for state action at hazardous waste sites that would not be added to the national priority list by the Environmental Protection Agency. There is a growing list of these sites in Montana, many of which demand immediate action to protect the public health of the people of this state. Mr. Hayden handed in written testimony for the record. See attachments.

Dr. John Drynan, director of the Department of Health and Environmental Sciences, stood in support of the bill. He stated that there is not enough money to clean up all of the problem sites. He then stated that this problem needs to be addressed immediately to save our environment.

George Oschenski, representing the Environmental Information Center, stood in support of the bill. He stated that we need to take some steps to clean up Montana and keep it what it is.

Date 13/22/14

SENATE
SEAT
#

[illegible]

Each day attach to minutes.

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Werner, Regan	Beaverhead Co	676	✓	
Colin Elst	Beaverhead	676		
Rapman, R. R.	Regis	235	✓	
Douglas C. Smith (DMM)	SELF	235		
GREG MINK	REGELS	235	✓	
Don Kigel	"	235	✓	
W. H. Thompson	Boat Pontoon	215	Amend	
John C. Remick	"Self"	235		✓
Don Thompson	Self	235		✓
Joe Upshaw	APR / Logan Legation	472	✓	
Tom Haines		711		✓
Robert Phillips		711		✓
Gary Rowe	SELF		✓	
George Lippert	"	235	✓	
Joan Lippert	"	235	✓	
Don Phillips	Self	235		✓
Pat Kelly	State Fire Marshal	676	✓	
Fred Perez	Great Falls Fire Marshal	676	✓	
Vic Anderson	Dept of Health & ES	676	✓	
Black, Nedrud	Self	235		✓
Bob Torgerson	Self	235		✓
Paul Sims	Self	235		✓
Dale Tolleson	DHES	272	✓	
Charles Bragg	Governor's Office	472	✓	
John Smith	Self	235		✓
Ed Hall	Self	235		✓

(Please leave prepared statement with Secretary)

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Will Selser	LTC Co. Health	HB 676	✓	
" "	" "	HB 766		
George R. Carr DDS	MONT. SOC. OF PEDIATRIC DENTISTS	HB 235		✓
Mr. [unclear]	21 #125	HB 766	✓	
Leah Schmitt	MT. H. Swiss Ass.	HB 766	✓ with Amendments	
Miss [unclear]				
Mr. [unclear]	MONIS		✓ with AMENDMENTS	
Mr. [unclear]				
Mr. [unclear]	Self	HB 235	✓	
Mr. [unclear]	LA. Co. [unclear]	HB 676	✓	
		HB 766	✓	
		HB 766	✓	
Mr. [unclear]	LA. Medical Assn	HB 472	✓	
Mr. [unclear]	MT. Hospital Assn	HB 472	✓	
Mike O'Gorman	Self	HB 676	X	
Shirley Therns	Montana Nurses Assn	HB 472	✓	
Shirley Therns	Self	HB 235	✓	

(Please leave prepared statement with Secretary)

OUTLINE REGULATION OF UNDERGROUND STORAGE TANKS

- * Leaking underground fuel storage tanks have affected near—surface aquifers in virtually every corner of Montana
- * Over forty petroleum and chemical—related groundwater contamination problems have been reported in the past two years
- * Generally, when a toxic product is introduced into an aquifer, the Water Supply is irreversibly contaminated.
- * Clean up is expensive, difficult and at best, about 70 percent efficient.
- * Multiple sources of toxic products within a contaminated area and the time lag before detecting a leak makes it difficult, expensive and time consuming to segregate and identify a responsible party.

Continued:

- * The U.S. Congress has established provisions for the regulation of under ground storage tanks nationwide**
- * Interim standards, in place, and final standards to be developed, are designed to prevent the release of products from underground tank**
- * Federal law allows the states to maintain program to regulate underground storage tanks in lieu of EPA**
- * Potentially thousands of Montana serviceš, smaller industries and businesses may be involved with this program**
- * DHES is best suited to manage such a program:**
 - it is continually investigating and conducting remedial action of contaminated groundwater resulting from leaking tanks**
 - it already has a working relationship with many of the businesses and industries to be affected**
 - with changes in hazardous waste regulations, it will eliminate unnecessary duplication**

BRIEFING PAPER RUST

The extent and severity of petroleum and chemical contamination in Montana's groundwater will be a long-lasting problem which has affected near-surface aquifers in virtually every corner of the state. Over forty reported cases in the past two years have been investigated by the department.

Unfortunately, a great deal of time may elapse before groundwater movement carries a pollutant into a detectable area. Generally, domestic water supplies are involved in detection and that water supply becomes irreversibly contaminated.

Contamination problems have ranged in size from a few gallons of gasoline leaking from a rancher's storage tank through shallow gravels to his developed spring in a farm house to hundreds of thousands of gallons of diesel lost from leaking tanks and delivery lines and spread by the groundwater beneath our major railroad centers. However, leaking gasoline tanks and delivery lines at service stations are also a major source of groundwater contaminants. In many cases, surface water is also severely impacted by a chronic supply of chemical products.

Cleanup is very expensive and at best, about 70 percent efficient. Due to the chemical complexity of contaminants and soils, residues remain in aquifers for years. Many components of toxic products are known carcinogens (cancer-causing) and present a variety of health hazards. Presently, we are only partially capable and successful in identifying a handful of the over 275 different components and additives in fuels.

It is difficult to budget for chemical-petroleum-related contamination because we cannot predict the magnitude of any given problem without substantial investigations. Equipment, training and financing are needed to stop and confine contamination to as small an area as possible. However, the key to eliminating this contamination is to prevent the leaking of chemicals from storage tanks.

The U.S. Congress in reauthorizing the federal "Resource Conservation and Recovery Act" (RCRA) has established a nationwide regulation of underground storage tanks. This program is intended to regulate those tanks which store petroleum and chemical products.

By March 1, 1985, EPA must issue regulations for underground tanks containing hazardous wastes. In addition, EPA is required by February, 1987 to establish a program to control underground tanks containing "regulated substances" such as petroleum products.

Between now and May, 1986, a notification process is to be instituted in stages. Ultimately all owners of underground tanks regulated, including owners of tanks taken out of operation within the past ten years will have to notify a designated state agency or EPA.

The EPA underground tank regulations must address leakage detection, tank testing, recordkeeping, reporting, corrective action from spills, and financial responsibilities. The RCRA reauthorization also established interim standards for tanks being installed or brought into use. The technical standards are designed to prevent the releases of products from tanks.

There is a potential for thousands of Montana services, smaller industries and businesses being involved in this program. The control of underground tanks will occur in Montana, and a major issue is who will manage it - either the state or the federal government through EPA. The state already is dealing with many of these businesses and industries, and is readily acceptable for assistance. In addition, with the changes in the hazardous waste regulations, the department will become much more involved with smaller businesses and industries many of whom have storage tanks. The state management of the underground storage tank program in conjunction with the hazardous waste program will eliminate unnecessary duplication.

TECHNICAL INFORMATION FOR HB 676

Presently, the Montana Department of Health & Environmental Sciences-Water Quality Bureau is aware of more than 40 situations in Montana in which a shallow groundwater aquifer has been contaminated with various petroleum products. In each case, the suspected or confirmed route of contamination is leakage from or spillage near underground storage tanks. Generally the result is to virtually eliminate the aquifer for use as a domestic water supply and, in addition, to imperil deeper aquifers in that location. In 10-20% of the situations, an additional severe public hazard results from the seeping of the fuel contaminant into enclosed areas such as basements, manholes, etc., where fire or explosion can occur.

For reference, the following typical situation descriptions are provided:

- a. In Dillon, MT, fuel fumes began appearing in a commercial building near several businesses utilizing underground tanks for storage of fuel. Eventually more than a dozen domestic wells serving homes and businesses in the vicinity of Montana Avenue and Highway 41 in Dillon were found to be severely contaminated and the area of contamination continues to grow. At least five suspected sources are now being investigated,
- b. In Miles City, MT, diesel fuel was detected in shallow wells providing irrigation water to residents near the Chicago, Milwaukee, St. Paul & Pacific Railroad Company yard. An enormous clean up effort was begun in 1980 and continues presently. Approximately 420,000 gallons of fuel have been recovered to date. The groundwater resource is certainly eliminated for domestic use for at least five more years. The fuel was lost from leaking buried delivery lines, tanks, and from transfer accidents,

- c. During a sewer construction project in Lincoln, MT, fuel was discovered seeping into the trenches in the immediate area of three present retail fuel businesses which utilize buried storage tanks. Subsequent investigations discovered a large area of groundwater contamination in this community which relies exclusively on individual shallow aquifer wells for domestic water supply. To date, no well has experienced contamination, however, the presence of the fuel floating on the shallow aquifer represents a constant threat to the present user, future users, and the deeper aquifers,
- d. In Polson, MT, heating oil leaking from a buried tank was collected in groundwater building foundation drains and transported via the sewer system to the city wastewater treatment facility resulting in damage to the facility and discharge to the Flathead River.

In each case, the results of the undetected leak from an underground facility include: long term damage to the groundwater resource, the need for expensive mechanical corrective measures, and the requirement for implementation of long term, expensive groundwater clean up measures.

2-11-85 SLP/KDK

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January 9, 1985

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35. Judith Gap	Gasoline
36. Shelby	Diesel
37. Babb	Aircraft Fuel
38. Bozeman	Solvent/urban runoff
39. Columbia Falls	Gasoline

NAME: Eugene Rigdon

DATE: Mar 21 85

ADDRESS: B-111

PHONE: 683 4863

REPRESENTING WHOM? Essexherst County

APPEARING ON WHICH PROPOSAL: 676

DO YOU: SUPPORT? ☒

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NORTHERN PLAINS RESOURCE COUNCIL

Field Office
Box 858
Helena, MT 59624
(406) 443-4965

Main Office
419 Stapleton Building
Billings, MT 59101
(406) 248-1154

Field Office
Box 886
Glendive, MT 59330
(406) 365-2525

TESTIMONY PRESENTED BEFORE THE SENATE COMMITTEE ON PUBLIC HEALTH WELFARE AND SAFETY IN SUPPORT OF HB 676

MADAM CHAIRWOMAN AND MEMBERS OF THE COMMITTEE. FOR THE RECORD MY NAME IS RUSS BROWN AND I WORK FOR NORTHERN PLAINS RESOURCE COUNCIL.

AS AN AGRICULTURALLY BASED ORGANIZATION, NORTHERN PLAINS HAS LONG BEEN CONCERNED WITH GROUNDWATER QUALITY AND MANAGEMENT.

LEAKING UNDERGROUND STORAGE TANKS ARE A MAJOR THREAT TO THE QUALITY OF AMERICA'S GROUNDWATER SUPPLY. THERE ARE AT LEAST 2 MILLION (AND PERHAPS UP TO 8 MILLION) UNDERGROUND STORAGE TANKS IN THE UNITED STATES, AND AN ESTIMATED 100,000 OF THEM ARE PRESENTLY LEAKING SUBSTANCES RANGING FROM GASOLINE TO PESTICIDES TO INDUSTRIAL SOLVENTS. WITHIN THE NEXT 5 YEARS, ANOTHER 350,000 UNDERGROUND TANKS ARE EXPECTED TO LEAK.

CONTAMINATED GROUNDWATER IS AN EMERGING PROBLEM IN MANY AREAS OF MONTANA. THE SOURCES OF CONTAMINATION INCLUDE SURFACE SPILLS OF POLLUTANTS, PIPELINE LEAKS AND UNDERGROUND STORAGE TANKS AND DELIVERY SYSTEM LEAKS. IN THE LAST TWO YEARS, AT LEAST 38 INSTANCES OF GROUNDWATER CONTAMINATION FROM THESE SOURCES HAVE BEEN REPORTED. WE CAN ASSUME, THAT SINCE THE NUMBER OF KNOWN GROUNDWATER CONTAMINATION INCIDENCES IS INCREASING, THAT MANY MORE INSTANCES OF GROUNDWATER CONTAMINATION ARE OCCURRING THROUGHOUT MONTANA.

PETROLEUM PRODUCTS ARE THE PRIMARY INDUSTRIAL CONTAMINANTS FOUND IN GROUNDWATER. CONTAMINATION RESULTS MOST FREQUENTLY FROM LEAKING UNDERGROUND STORAGE TANKS AND FROM THE LINES WHICH DELIVER THE PRODUCT FOR SALE OR USE. THE DETERIORATION OF THESE TANKS AND DELIVERY SYSTEMS, COMBINED WITH THE LACK OF ADEQUATE MONITORING TO DETECT LEAKS, HAS LED TO SEVERAL SERIOUS GROUNDWATER CONTAMINATION EVENTS.

FOR EXAMPLE: IN MILES CITY, THE MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND THE MILWAUKEE ROAD REACHED AN AGREEMENT TO DEAL WITH THE LEAKAGE FROM MILWAUKEE TANKS AND PIPING. AS A RESULT OF THAT AGREEMENT, A RECOVERY PROGRAM HAS BEEN INITIATED WHICH IN THE MONTH OF FEBRUARY RECOVERED 2,182 GALLONS OF OIL, BRINGING TO A TOTAL THE AMOUNT RECOVERED SINCE THE RECOVERY PROGRAM WAS INSTITUTED TO OVER 421,000 GALLONS.

THERE ONLY SEEMS TO BE A REACTION TO REMEDY GROUNDWATER CONTAMINATION WHEN THE CONTAMINATED GROUNDWATER SERVES AS A SOURCE OF DRINKING WATER. HOWEVER, THE STATE OF MONTANA HAS A STATUTORY DIRECTIVE(75-5-631 & 635MCA) ESTABLISHING A NON-DEGRADATION POLICY FOR ANY GROUNDWATER WHOSE EXISTING QUALITY IS HIGHER THAN THE ESTABLISHED WATER QUALITY STANDARDS. REGARDLESS OF THE USE GIVEN SUCH WATER, THE STATE HAS A DUTY TO PREVENT ITS FURTHER CONTAMINATION.

MADAM CHAIRWOMAN AND MEMBERS OF THE COMMITTEE, HB 676 GIVES THE STATE OF MONTANA THE STATUTORY AUTHORITY TO LOCATE RECORD AND DEAL WITH THIS CONTAMINATION.

NORTHERN PLAINS THANKS YOU FOR THE OPPORTUNITY TO COMMENT, AND WE URGE YOUR SUPPORT OF HB 676.

Russ Brown

AREAS WITH POTENTIAL OR ACTUAL CONTAMINATION CAUSED BY PAST
HAZARDOUS WASTE SITES OR LEAKING UNDERGROUND STORAGE TANKS

Page 1

*George
P. Linski*

Senate	COUNTY	City	Incident
01	Lincoln	Libby	Other
01	Lincoln	Libby	Other
01	Lincoln	Troy	Mining
02	Flathead	Somers	Pesticide
03	Flathead	Kalispell	Gasoline
03-04	Flathead	Kalispell	Petroleum
03-04	Flathead	Kalispell	Petroleum
03-04	Flathead	Kalispell	Pesticide
03-04	Flathead	Kalispell	Other
03-04	Flathead	Kalispell	Other
04	Flathead	Columbia Falls	Gasoline
04	Glacier	St. Mary	Gasoline
04	Flathead	Columbia Falls	Mining
05	Glacier	Babb	Aircraft Fuel
05	Glacier	Cut Bank	Diesel
05	Pondera	Heart Butte	Gasoline
05	Glacier	Browning	Pesticide
05	Glacier	Browning	Petroleum
05	Glacier	Cut Bank	Petroleum
05	Glacier	Cut Bank	Petroleum
06	Toole	Shelby	Diesel
06	Toole	Shelby	Petroleum
06	Toole	Sunburst	Petroleum
06	Toole	Kevin	Petroleum
07	Hill	Havre	Diesel
08	Blaine	Chinook	Petroleum
08	Hill	Havre	Petroleum
08	Hill	Havre	Petroleum
10	Sheridan	Plentywood	Diesel
10	Roosevelt	Wolf Point	Petroleum
11	Roosevelt	Bainville	Other
11	Richland	Fairview	Petroleum
13	Custer	Miles City	Diesel
14	Garfield	Mosby	Petroleum
15	Wheatland	Judith Gap	Gasoline
15	Fergus	Lewistown	Gasoline
15	Petroleum	Winnett	Petroleum
15	Fergus	Lewistown	Petroleum
15	Fergus	Lewistown	Petroleum
16	Meagher	White Sulphur Springs	Gasoline
17-21	Lewis & Clark	Augusta	Fuel oil
17-21	Cascade	Great Falls	Other
17-21	Cascade	Great Falls	Other
17-21	Cascade	Great Falls	Other
17-21	Cascade	Great Falls	Petroleum
17-21	Cascade	Great Falls	Pesticide
17-21	Cascade	Great Falls	Pesticide
17-21	Cascade	Great Falls	Mining
22	Lewis & Clark	York	Mining
22	Lewis & Clark	East Helena	Mining
22	Lewis & Clark	East Helena	Mining
22-23	Lewis & Clark	Helena (3)	Diesel & Gasoline
22-23	Lewis & Clark	Helena	Other
22-23	Lewis & Clark	Helena	Other

AREAS WITH POTENTIAL OR ACTUAL CONTAMINATION CAUSED BY PAST HAZARDOUS WASTE SITES OR LEAKING UNDERGROUND STORAGE TANKS

Page

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Senate	COUNTY	City	Incident
23	Lewis & Clark	Unionville	Fuel Oil
24	Powell	Garrison	Gasoline
24	Lewis & Clark	Lincoln (2)	Gasoline & Waste Oil
24	Lewis & Clark	Marysville	Mining
24	Powell	Garrison	Mining
24	Powell	Garrison	Other
25	Lake	Polson	Gasoline
25	Flathead	Big Fork	#5 Green Diesel
25	Lake	Polson (2)	Gasoline & #5 Green Diesel
26	Mineral	St. Regis	Other
26	Sanders	Thompson Falls	Mining
26	Sanders	Paradise	Pesticide
28-30	Missoula	Missoula (2)	Diesel & Gasoline
28-30	Missoula	Missoula	Gasoline
28-30	Missoula	Missoula	Other
28-30	Missoula	Missoula	Other
28-30	Missoula	Missoula	Other
28-30	Missoula	Missoula	Petroleum
28-30	Missoula	Missoula	Pesticide
28-30	Missoula	Evaro	Other
31	Missoula	Lolo Hot Springs	Gasoline
32	Ravalli	Darby (2)	Diesel & Gasoline
33	Missoula	Milltown	Mining
33	Granite	Philipsburg	Mining
33	Granite	Philipsburg	Mining
33	Deer Lodge	Anaconda	Other
33	Deer Lodge	Anaconda	Mining
34-36	Silver Bow	Butte	Pentachlorophenol
34-36	Silver Bow	Ramsey	Mining
34-36	Silver Bow	Butte	Petroleum
34-36	Silver Bow	Butte	Other
34-36	Silver Bow	Butte	Pesticide
34-36	Silver Bow	Butte	Mining
34-36	Silver Bow	Butte	Mining
37	Beaverhead	Wisdom	Gasoline
37	Beaverhead	Dillon	Gasoline
37	Madison	Sheridan	Gasoline
37	Beaverhead	Wisdom	Pesticide
37	Beaverhead	Grant	Other
37	Beaverhead	Argenta	Mining
37	Madison	Glen	Mining
37	Madison	Ennis	Pesticide
37	Gallatin	Trident	Mining
38	Jefferson	Basin	Mining
38	Jefferson	Montana City	Mining
39-40	Gallatin	Bozeman	Pesticide
39-40	Gallatin	Bozeman	Other
39-40	Gallatin	Bozeman	Other
39-40	Gallatin	Bozeman	Other
39-40	Gallatin	Bozeman	Mining
40	Gallatin	Bozeman	Solvent/urban runoff
40	Gallatin	Bozeman	Pentachlorophenol
40	Gallatin	Bozeman	Gasoline
41	Park	Livingston	Gasoline

AREAS WITH POTENTIAL OR ACTUAL CONTAMINATION CAUSED BY PAST
HAZARDOUS WASTE SITES OR LEAKING UNDERGROUND STORAGE TANKS

Senate	COUNTY	City	Incident
41	Park	Livingston	Petroleum
41	Park	Jardine	Mining
41	Park	Cook City	Mining
42	Stillwater	Reed Point	Solvent
42	Carbon	East Bridger	Other
42	Stillwater	Columbus	Mining
43-48	Yellowstone	Billings	Diesel
43-48	Yellowstone	Billings	Other
43-48	Yellowstone	Billings	Other
43-48	Yellowstone	Billings	Other
43-48	Yellowstone	Billings	Other
43-48	Yellowstone	Billings	Other
43-48	Yellowstone	Billings	Other
43-48	Yellowstone	Billings	Petroleum
43-48	Yellowstone	Billings	Petroleum
43-48	Yellowstone	Billings	Petroleum
43-48	Yellowstone	Billings	Petroleum
43-48	Yellowstone	Billings	Petroleum
43-48	Yellowstone	Billings	Petroleum
43-48	Yellowstone	Billings	Petroleum
43-48	Yellowstone	Billings	Petroleum
43-48	Yellowstone	Billings	Pesticide
43-48	Yellowstone	Laurel	Petroleum
43-48	Yellowstone	Laurel	Petroleum

Other category principally indicates spills, derailments or municipal landfills.

NAME: Edward G Zuleger DATE: 3/22/85

ADDRESS: 1335 Barker's Missoula MT 59802

PHONE: 728 4244

REPRESENTING WHOM? Missoula City-County Health Dept

APPEARING ON WHICH PROPOSAL: HB 676

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: The Missoula City-Co Health Dept would
like to go on record as being in favor
of this bill

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE PUBLIC HEALTH
PAGE SIX
MARCH 25, 1985

Curt Chisolm, deputy directors of the Department of Institutions, stood in support of the bill. He stated that it was fitting to change the name of the Swan River Youth Camp.

With no further proponents, the chairman called on the opponents. Hearing none the meeting was opened to a question and answer period from the Committee.

Senator Towe stated that the Swan River Youth Camp does not deal with youth and, therefore, should be changed.

Representative Bardanouve closed. He stated that this is a good bill.

ACTION ON HOUSE BILL 560: A motion was made by Senator Hims1 that HB 560 BE CONCURRED IN. Motion carried.

Senator Hims1 will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 676: Representative Gene Donaldson of Helena introduced this bill. HB 676 is a regulation of underground storage tanks.

A motion was made by Senator Towe that HB 676 be amended on Page 9, line 9, to strike the "rights and duties that matured," Motion carried.

Senator Hims1 asked how this will affect the operators of service stations being as there is no grandfather clause. Who will pay for this measuring and keeping track of the contents of the tanks to see if there is any leakage.

Senator Stephens stated that this is a noble attempt for the environment, however, next session perhaps all of the underground tanks should be placed above ground.

A motion was made by Senator Towe that HB 676 BE CONCURRED IN AS AMENDED. Motion carried with all present voting "yes" with the exceptions of Senator Newman and Senator Hims1 voting "no".

Senator Towe will carry this bill on the floor of the Senate.

DISCUSSION ON HOUSE BILL 766: Representative Bob Ream of Missoula introduced this bill which is an act authorizing the Department of Health and Environmental Sciences to take remedial action to prevent or alleviate release of hazardous

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date: 3/25/85

SENATE
SEAT
#

	NAME	PRESENT	ABSENT	EXCUSED
6	SENATOR JUDY JACOBSON, CHAIRMAN	✓		
5	SENATOR J. D. LYNCH, V. CHAIRMAN	✓		
42	SENATOR TOM HAGER			✓
30	SENATOR MATT HIMSL	✓		
17	SENATOR TED NEWMAN	✓		
45	SENATOR BILL NORMAN	✓		
14	SENATOR STAN STEPHENS	✓		
26	SENATOR TOM TOWE	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 25, 1955

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 676

THIRD reading copy (BLUE)
color

REGULATION OF UNDERGROUND STORAGE TANKS

DONALDSON (TONE)

Respectfully report as follows: That HOUSE BILL No. 676

be amended as follows:

1. page 9, line 9.

Following: "affect"

Strike: "rights and duties that matured,"

2. Page 9, line 10.

Following: "incurred"

Strike: ", "

~~XXXXXX~~

~~XXXXXXXXXX~~

AND AS AMENDED
BE CONCURRED IN

SENATOR JUDY JACOBSON

Chairman.